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United States.  
Report of the Committee on  
the Public Lands, on the  
petition of sundry  
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# REPORT

OF

THE COMMITTEE ON THE PUBLIC LANDS,

ON THE

## PETITION

OF

SUNDRY INHABITANTS OF THE MISSISSIPPI TERRITORY

PRAYING

The interference of congress in quieting and adjusting claims to lands  
in said territory.

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DECEMBER 21, 1814.

Read and ordered to be printed.

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WASHINGTON CITY:

PRINTED BY ROGER C. WEIGHTMAN.

1814.



West Florida on the 20th of January, 1764, bounding it on the north by the 31st degree of north latitude, and by an order in council, of the 15th of May, 1767, the limits of the colony of West Florida were extended to the mouth of the river Yazoo, and a line drawn due east from thence to the river Apalachicola. During the period of Great Britain's possession of the country, lands were granted to her subjects within West Florida. Great Britain, by her treaty with Spain, of 1783, ceded West Florida to Spain, and Spain took possession of West Florida, with the extent which Great Britain had given to it; and thereby took possession of all that part of the United States lying between the 31st degree of north latitude and the mouth of the Yazoo river, and retained possession thereof until the year 1797 or 1798, when it was given up to the United States.

During this period Spain granted lands to her subjects, not only within her own territory, but also, north of the 31st degree of latitude. Spain also regranted most of the lands which had been previously granted by the British government, on both sides of the 31st degree of latitude.

It also appears to the committee, that the claims of persons holding lands by virtue of grants made by the British government, before the treaty of peace, are expressly provided for by the 9th article of the treaty of commerce, of 1794, between Great Britain and the United States; and the 9th article of this treaty is made permanent by the ——— article of the same treaty, which was ratified before the territory in question was delivered by Spain to the United States.

It further appears to the committee, that congress, by the act of the 3d of March, 1803, entitled "An act regulating the grants of lands, and



providing for the disposal of the lands of the United States south of the state of Tennessee," confirmed all persons residing within the territory aforesaid on the 7th day of October, 1795, and who held or claimed lands by virtue of any warrant, or order of survey, granted by the British or Spanish governments of West Florida, in their claims; and by the second section of the same act, every person resident within the territory aforesaid, on that day, of the year 1797, when the Mississippi territory was finally evacuated by the Spanish troops, were allowed a donation in the tract of land inhabited and cultivated by them, not exceeding in quantity 640 acres; and the right of pre-emption is given by the 3d section of the same act, to all persons residing within the territory aforesaid, at the time of passing the act: and the last proviso in the 6th section of the same act, prevents any person claiming lands under the three first sections thereof, from obtaining a grant for the lands so claimed from the United States, in all cases where the land so claimed, had been previously granted to any other person by the British government of West Florida, by a patent legally and fully executed, except in cases where the person claiming under the act aforesaid, shall have first obtained a judicial decision in his favor, against such adverse claim, in a court having jurisdiction therein.

By the 5th section of the act aforesaid, all persons holding lands under British grants, are authorized and required to file the evidences of their claim with the register of the land office within whose district the land lies, on or before the 31st day of March, 1804; and persons failing or refusing to file the evidences of their claim accordingly, their claim is declared void, and the title



papers precluded from being read as evidence in any court of the United States. The time allowed for filing claims, was extended by the act of the 27th of March, 1804, to the last day of November next following; and by the act of the 2d of March, 1805, the time for filing claims as aforesaid, was extended to the 1st day of December next following. The foregoing is a history of the facts which the committee have deemed most important to be brought into view, in order to form a correct opinion respecting the case of the petitioners.

From the foregoing statement of facts, the committee believe it is quite clear, that the title of the United States to the territory north of the 31° of north latitude, was ever, from the ratification of the peace with Great Britain of 1783, indisputable; and the possession by Spain, of the territory between the said 31° of north latitude, and the mouth of the Yazoo river, usurped and fraudulent; and consequently, that all titles derived from the Spanish government to lands between the said 31° of north latitude, and the mouth of the said Yazoo river, while so possessed by Spain, are, so far, as respects titles vested in individuals previous to Spain's possessing the same, utterly invalid, null, and void: 1st. Because of the want of title in Spain: 2dly. Because it is not consonant with the principles of law or natural equity, that a title vested in an individual, should be divested, but by regular operation of a law previously promulgated. It may, moreover, be added, that the 9th article of the treaty of 1794, with Great Britain, has a strong bearing upon titles derived from the British government while possessed of West Florida. The petitioners principally, if not entirely, belong to those who had received grants from the Spa-



nish government, while possessed of the territory north of the 31° of north latitude; had actually settled on the lands which they claim when the country was a perfect wilderness; and made valuable improvements thereon, previous to the time of the United States' receiving possession of the country as before stated. Congress evinced a disposition to deal justly and bountifully toward them, and provided, as it was supposed, for their case, by the act of the 3d of March, 1803, before cited: but the provisions of that act, taken in connexion with the fact, that the whole or nearly the whole of the claims of the petitioners, was covered by claims derived from the British government, must appear to be illusory, either as it respected the one or the other of these classes of claimants, for certain it is, that both could not be valid. Thus it must be seen, that the titles which congress designed to vest in the petitioners, is placed in a state of embarrassment, and, to say the least, of much doubt, and the just and benevolent views of the government, about to prove abortive. If any thing were necessary to be added in support of the justice of the claims of the petitioners, claims heretofore solemnly recognized by act of the national legislature, let it be recollected that the petitioners have, by their settlements and improvements, converted a wilderness into many valuable habitations for men; and by their enterprise and industry, rendered lands which were of little value and unproductive, of great value and very productive; and let it also be remembered, that the enhancement in value has not been confined merely to the lands cultivated, but that it has extended to the circumjacent lands, and produced an enhancement of value of at least five hundred per centum. The committee upon the view

of the case of the petitioners, which they have taken and exhibited, are of opinion, that they have a well founded claim to the beneficial interposition of the national legislature, and therefore report a bill for quieting and adjusting claims to land in the Mississippi territory.



*A list of B<sup>y</sup> the register of the land office, at Washington, Mississippi  
ter ry, and claimed by non residents.*

	Acre.	Situation.
Earl of Eglington	20,000	Near Natches.
F. A. Haldeinan,	1,500	Three tracts, near Natches.
Sir G. B. Rodney's heirs	5,000	On Mississippi, above Natches.
John Stevenson	3,000	Three tracts a few miles from Natches.
Augustin Prevost	9,000	Ditto ditto.
Mrs. Wegg	3,000	Ditto ditto.
Elihu Hall Bay (of South Carolina)	16,375	Several tracts.
Alexander M'Cullah (of South Carolina)	3,700	Ditto.
Philip Barbour (governor of Virginia)	2,000	On Mississippi, at Grand Gulph.
Robert Farmer's heirs (Pennsylvania)	3,000	On Tombecky.
Thomas Davy, now admiral Spry	3,500	Bayou Pierre, &c.
William Wilton's heirs	1,600	Several tracts.
James Amos	600	On Mississippi.
Legal rep. of Thad. Lyman (John Peck of Boston)	20,000	Bayou Pierre.
	<hr/> 92,275	

The following claimed by Seth Hunt

For the heirs of Herbert Munster

For the representatives of major Francis Hutchinson

For sir William Dalling

Near Natches.

Ditto.

On Miss. above Natches, 5 miles.

	Acres.	Situation.
For the heirs of the hon. John Vaughan	1,000	Above Natches.
For the heirs of Thomas Creik	1,000	Ditto.
For the heirs of captain Thomas Boyd	1,350	Ditto.
For the heirs of John Bradley	4,140	Near Natches.
For major Thomas Gamble	2,000	Ditto, two tracts.
For admiral sir Richard Onslow	1,000	On Mississippi, below Natches.
For the heirs of major John Small	3,000	Near Natches.
For Sylvester Fanning	2,000	At Loftus' Heights.
For the heirs of John Jones	600	Ditto.
For the earl of Harcourt	10,000	Forks of 2d, and Homochitto.
For admiral Fergusson	3,000	Back of Natches.
For captain Nunn	3,000	Ditto.
For admiral M'Dougal	3,000	Bayou Pierre.
For the heirs of Arthur Neil	3,500	Bayou and Buffalo.
For the heir of William Burrows	600	
For the heir of Thomas Comyn	10,000	On Mississippi.
For admiral Bentinck	10,000	
For the heirs of Philip Affleck	5,000	
For Robert Tindall, esq.	2,000	
For Samuel Fortenelle	3,000	
For Lewis Gordon	3,000	

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174,465











